REMARKS

I.   Summary of Office Action

Claims 1-16, 18-36, 38-56, 58-75, and 77-83 are pending in the above-identified application.

Claims 1, 2, 4-5, 7, 18-22, 24-25, 27, 38-42, 44-45, 47, 58-62, 64-65, 67, and 78-83 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shah-Nazaroff et al. U.S. Patent No. 6,157,377 (hereinafter "Shah-Nazaroff").

Claims 3, 23, 43, and 63 were rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff in view of Hofmann U.S. Patent No. 5,883,677.

Claims 6, 26, 46, and 66 were rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff in view of Matthews, III U.S. Patent No. 5,815,145.

Claims 8, 9, 13, 28, 29, 33, 48, 49, 53, 68, 69, and 73 were rejected under 35 U.S.C § 103(a) as being unpatentable over Shah-Nazaroff in view of Banker U.S. Patent No. 5,485,221.

Claims 10, 30, 50, and 70 were rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff in view of Lett U.S. Patent No. 5,771,064.

Claims 11, 12, 31, 32, 51, 52, 71, and 72 were rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff in view of Lewis (U.S. Patent Application No. 2003/0040962).

Claims 14, 15, 34, 35, 54, 55, 74, and 75 were rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff in view of Aristides U.S. Patent No. 5,630,119.

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Claims 16, 36, and 56 were rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff et al. in view of Rosin U.S. Patent No. 6,028,600.

Claim 77 was rejected under 35 U.S.C § 103(a) as being obvious from Shah-Nazaroff in view of Hooper U.S. Patent No. 5,414,455.

II.   Summary of Applicants' Reply

Applicants have amended independent claims 1, 2, 21, 22, 41, 42, 61, and 62 to more particularly define the claimed invention. No new matter has been added, and the amendments to the claims are fully supported by the originally filed application. See, e.g., p. 12, ll. 5-21; p. 12, l. 31 through p. 13, l. 5; and p. 25, ll. 14-20. Applicants respectfully request reconsideration and allowance of this application in light of the amendments to claims and the following remarks.

III.   Applicants' Reply

Applicants' amended independent claims 1, 21, 41, and 61 are directed to a method, computer-readable medium, and systems for retrieving on-demand media data and non-on-demand data for use by an interactive television application system. The on-demand media data and non-on-demand media data are provided by separate sources. The non-on-demand media data is received from the non-on-demand media data source through a broadcast. A client-server connection is automatically established between the interactive television application system and an on-demand media data source, and the on-demand media data is automatically retrieved from the on-demand media

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data source through the client-server connection. The retrieved
on-demand media data is automatically cached in a cache on the
user television equipment. The cached on-demand media data is
displayed (e.g., in a listing for the associated on-demand
media) to a user in response to a user indication to access at
least the on-demand media data. The received non-on-demand
media data is displayed (e.g., in a listing for the associated
non-on-demand media) to the user in response to a user
indication to access at least the non-on-demand media data.

        In the current Office Action, the Examiner contends
that Shah-Nazaroff, which refers to an apparatus that allows
viewers to purchase upgraded media features (abstract), shows
all of the elements of applicants' independent claims prior to
amendment, including applicants' feature of automatically
establishing a client-server connection between an interactive
television application system and an on-demand media data
source. Yet, on page 12 and page 11 of the previous Office
Actions mailed April 19, 2007 and August 25, 2006, respectively,
the Examiner acknowledged that Shah-Nazaroff fails to disclose
establishing a connection between the interactive television
application system and the on-demand media data source, let
alone automatically establishing a client-server connection. In
the claim rejections section of the current Office Action, the
Examiner does not provide justification for his change in
viewpoint (see current Office Action, page 4). Instead, the
Examiner merely states in the response to arguments section of
the current Office Action:

        Examiner notes applicant's arguments, however, Shah
        Nazaroff discloses a user interface (fig. 2.210) which
        coordinates the launching of the on-demand media system

and upgrades, among other things (col. 3, lines 59-65).
Shah-Nazaroff discloses a client-server systems, which
allows for a variety of ways for a user to interact with
system (Broadcast sources 'BS' 130/Server System 'SS'
140), using input devices, such as key pad or mouse
(fig.5, col. 3, lines 50-58), transmits requests to SS-
140, to receive on-demand programs, PPV programs and
Internet data (non-on-demand).

Office Action, pages 2 and 3. Applicants respectfully
submit that the above statement made by the Examiner is not
relevant. The Examiner's statement merely refers to a user's
ability to interact with Shah-Nazaroff's user interface to
obtain media, whether it be on-demand programs, pay-per-view
programs, or Internet web sites. The Examiner does not provide
any evidence from Shah-Nazaroff that would show or suggest that
media data, which is "any data which describes the media or is
associated with the media" (applicants' specification, p. 4, ll.
3-5), is received from an automatically-established client-
server connection, as required by applicants' independent claims
1, 21, 41, and 61. Accordingly, applicants respectfully request
that the Examiner revert to his previous view that Shah-Nazaroff
does not show establishing a connection between the interactive
television application system and the on-demand media data
source, let alone automatically establishing a client-server
connection.

Applicants respectfully submit that Shah-Nazaroff
fails to disclose that a client-server connection is
automatically established, and also fails to disclose that on-
demand media data is automatically retrieved through the client-
server connection, as required by applicants' amended
independent claims 1, 21, 41, and 61. Rather, Shah-Nazaroff

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merely discloses a programming database that is updated on a
regular basis through downloads from any of a number of sources,
such as by receiving updated programming information from
broadcast sources over the Internet (col. 4, lines 1-8). While
Shah-Nazaroff teaches that programming information can be
obtained from the Internet, Shah-Nazaroff does not explicitly or
implicitly disclose that the programming information is
retrieved through a client-server connection. In fact, since
Shah-Nazaroff does not disclose that the programming information
is requested from the broadcast sources, only that it is
"downloaded" or "received" (col. 4, ll. 1-7), applicants submit
that one of ordinary skill would understand that the programming
information in Shah-Nazaroff is received through a regular
broadcast from the broadcast sources. Therefore, Shah-Nazaroff
does not show or suggest applicants' claimed feature of
automatically establishing a client-server connection and
automatically retrieving the on-demand media data through the
client-server connection.

Under 35 U.S.C. § 102, "[t]he reference must teach
every aspect of the claimed invention either explicitly or
implicitly. Any feature not taught <u>must be inherently present</u>."
MPEP § 706.02 (emphasis added). Applicants respectfully submit
that the features of applicants claimed invention are not
inherent in Shah-Nazaroff. Inherency cannot be established by
possibilities. If a reference is silent about an alleged
inherent characteristic, evidence that the missing descriptive
matter is <u>necessarily</u> present is required. See *Continental Can
Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991).
Since there are multiple possible mechanisms to obtain

programming information, it is not necessary in Shah-Nazaroff
for a client-server connection to be automatically established,
nor for programming information to be automatically retrieved to
the client-server system. Accordingly, Shah-Nazaroff also fails
to implicitly teach every aspect of applicants' claimed
invention.

In view of the foregoing, applicants respectfully
submit that Shah-Nazaroff fails to disclose (1) automatically
establishing a client-server connection between the interactive
television application system and the on-demand media data
source, and (2) automatically retrieving the on-demand media
data from the on-demand media data source through the client-
server connection. For this reason alone, applicants
respectfully submit that independent claims 1, 21, 41, and 61
are allowable over Shah-Nazaroff.

However, even assuming *arguendo* that Shah-Nazaroff
does show these particular features of applicant's claimed
invention, applicants respectfully submit that Shah-Nazaroff
still does not anticipate applicants' claimed invention. In
particular, applicants have amended independent claims 1, 41,
61, and 81 to specify that non-on-demand media data and on-
demand media data are obtained using different mechanisms – the
non-on-demand media data is received as a broadcast, and the on-
demand media data is received using a client-server connection.
Nowhere does Shah-Nazaroff show or suggest that its programming
information can be received using different mechanisms, let
alone via the mechanisms in applicants' claimed invention.
Rather, Shah-Nazaroff only discloses that "new programming
information can be downloaded daily or weekly from any of a

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number of sources" (col. 4, ll. 2-4), without providing any details that would suggest that the programming information is obtained using different mechanisms. Therefore, applicants respectfully submit that Shah-Nazaroff fails to show or suggest (1) receiving a broadcast of the non-on-demand media data from the non-on-demand media data source, and (2) automatically retrieving the on-demand media data from the on-demand media data source through the client-server connection, as required by applicants' independent claims 1, 21, 41, and 61.

In view of the foregoing, applicants respectfully submit that independent claims 1, 21, 41, and 61, as well as dependent claims 2-16, 18-20, 22-36, 38-40, 42-56, 58-60, 62-75, and 77-83 which depend therefrom, are allowable over Shah-Nazaroff. Therefore, applicants respectfully request that the § 102 rejection over Shah-Nazaroff be withdrawn.

VI.   Conclusion

Applicant respectfully submits that this application is in condition for allowance. Reconsideration in light of the foregoing amendment and remarks are respectfully requested.

                         Respectfully submitted,

                         /Maxine Lee/
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                         Maxine Lee
                         Registration No. 61,495
                         Agent for Applicants
                         ROPES & GRAY LLP
                         Customer No. 75563